

REMARKS

Reconsideration and withdrawal of the rejections made against the pending claims is respectfully requested, in view of the above-provided amendments, and the following remarks.

AMENDMENTS TO THE CLAIMS

Claims 10-11, 13-14 and 22-24 are pending. Claims 25-27 are cancelled without prejudice to Applicants' right to pursue the subject matter of these claims in any further continuation, continuation-in-part or divisional patent application(s). Claims 10 and 11 are amended, without prejudice, in order to more particularly set forth that which Applicants consider to be their invention. The change in claim 10 to reference SEQ ID NO: 2 is based on the removal of the text describing the alternative substitutions into the wild-type peptide. Claims 11, 13, 14 and 22-24 are amended to replace the term "agent" with "composition" for greater clarity. This change is supported throughout the above-captioned patent application, including, for example, the Field of the Invention, on page 1, that recites, "anti-bacterial," and "anticancer compositions" with reference to the invention.

OBJECTION TO CLAIM 25 IS OBLIVIATED

At item 2 of the Office Action, the Examiner has objected to the dependency recited by claim 25. That dependency was previously corrected by Applicants' Amendment mailed on October 21, 2003. The October 21st Amendment was acknowledged by the Examiner on page 2 of the Office Action. Thus, this objection was made in error. Nevertheless, claim 25 is cancelled without prejudice. For all of the foregoing reasons, this ground of objection is obviated.

THE CLAIMS ARE DEFINITE UNDER 35 USC § 112, SECOND PARAGRAPH

At item 3 of the Office Action, claims 10, 11, 13, 14 and 22-27 are rejected as allegedly indefinite. Applicants do not agree with the Examiner's reasoning, and reserve the right to prosecute the amended claims in the previously provided scope in one or more further co-pending applications. Nevertheless, in the interest of expeditious prosecution, claims 10, 11 and

22 are now amended to remove the alternative substitutions previously recited and claims 25-27 are cancelled, thus obviating the rejections as to those claims. For all of the foregoing reasons, reconsideration and withdrawal of this ground of rejection is respectfully requested.

At item 5 of the Office Action, the Examiner has confirmed that the claims are free of the prior art.

CONCLUSION

It is respectfully urged that the above-provided amendments and remarks fully respond to all grounds of rejection. The claims are believed to be in condition for allowance, and early action to that end is respectfully solicited. The Examiner is respectfully invited to telephone the undersigned to discuss any remaining questions or other aspects of the pending application.

This Response is believed to be timely submitted. However, in the event that it is determined that an Extension of Time is required, the Commissioner is authorized to treat this paper as the required Petition For Extension of Time, and to charge any required fee to Deposit Account No. 02-2275. No new claims are added, and no additional fee is believed to be due for entry of the instant Amendment and Response. If any other fee is determined to be required for entry of this paper, that fee may also be charged to the above-mentioned Deposit Account.

Respectfully submitted,

MUSERLIAN, LUCAS & MERCANTI, L.L.P.

By:


Laurence Manber
Reg. No. 35,597

MUSERLIAN, LUCAS & MERCANTI, L.L.P.
475 Park Avenue South
New York, New York 10016
Phone: 212-661-8000
Fax: 212-661-8002